

Appl. No. 10/618,472
Atty. Docket No. AA603
Amdt. dated July 3, 2006
Reply to Office Action of March 3, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-3 and 5-8 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 has been amended. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a)

Claims 1-3 and 5-8 have been rejected under 35 USC §103(a) as being unpatentable over USP 4,428,928 (Muhler et al.) in view of USP 5,032,388 (Tikkanen). This rejection is traversed. Applicants assert that the present invention is not obvious over Muhler et al in view of Tikkanen because the combined references do not teach or suggest all of the claim limitations of amended Claims 1-3 and 5-8. Muhler et al does not teach or suggest using from 7% to about 30% of a silica abrasive polishing material and does not disclose from 1.7% to about 20% chelating agent. Muhler et al does disclose the use of fumed silica, which is a binder and not an abrasive silica material, but only in the amount of 0.5% to 5.0%. Muhler et al teaches the use of calcined kaolin in combination with talc and clearly teaches away from using a silica abrasive and other abrasive materials other than calcined kaolin, talc, or titanium dioxide. Muhler et al states: 1) "...silica have exhibited relatively unsatisfactory enamel-polishing qualities and consequently have not been wholly effective in prevent the reacumulation of material alba, oral debris, plaque, pellicle exogenous stains, and dental calculus." (column 1, lines 55-59); 2) "conventional abrasive leave the teeth esthetically less desirable than would more effective polishing agents" (column 1, line 68 – column 2, line 2); and 3) "the prior art materials intended for use as cleaning and polishing constituents of dentifrice preparations (such as silica) have not been entirely satisfactory in one or more of the following respects: relatively poor cleaning and polishing performances..., incompatibility with fluoride and stannous ion-containing anticariogenic agents; adverse abrasion; difficult, expensive manufacturing requirements; and rinsing and rheological problems. New and more effective dentifrice preparations overcoming the foregoing disadvantages may be obtained by incorporating therein as cleaning and polishing

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constituents a mixture of calcined kaolin, talc, and titanium dioxide" (column 2, lines 64-56). One having ordinary skill in the art would not have been motivated by the teachings of Muhler et al to require a silica abrasive. Tikkanen does not disclose the use of any abrasives in its aqueous solutions described. Therefore, Applicants assert that one having ordinary skill in the art would not have been motivated to develop the present invention based on the teachings of Muhler et al in view of Tikkanen.

Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-3 and 5-8 is respectfully requested.

Respectfully submitted,

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